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ABSTRACT

This paper presents a broad discussion of the historical, political, and philosophical aspects of school integration as embodied in the Brown decision of 1954. Segregated education is damaging to both whites and blacks. Thus, the Brown decision was beneficial for the majority group as well as for minorities. Historically, in fact, free public education in the South only came about because of the work of interracial State legislatures during Reconstruction, again demonstrating mutual benefits for blacks as well as whites. The Brown decision marked the culmination of the legal phase of the civil rights movement, but three additional phases--demonstration, legislation and implementation--have been necessary. The history of Brown and the civil rights movement indicates that: (1) the dominant people of power often lack the wisdom to know how and when to yield that which is not theirs to keep; (2) oppressed people seldom gain their freedom until they decide to cease cooperating in their own oppression; and (3) one negative adaptation tends to generate another negative adaptation until the group responsible for initiating the negative spiral of activity makes a positive statement. (KH)

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THE BROWN DECISION AND THE CIVIL RIGHTS MOVEMENT:

AN HISTORICAL PERSPECTIVE

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Presented at a Symposium Celebrating the Thirtieth Anniversary of Brown, West Virginia State College, Institute, West Virginia, April 13, 1984.

The Brown Decision and the Civil Rights Movement: An Historical Perspective*

By

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The Brown Decision should be viewed as a significant event in the Civil Rights Movement. Although this Supreme Court decision was important, it was not decisive for the movement. It established the legal parameters for litigation but did not forestall the demonstration phase of the movement nor render moot and useless the legislative phase. All phases, including the litigation phase of the movement, were essential in securing the rights of racial minorities.

It is important to view the Brown Decision as being beneficial for the majority group as well as for minority groups. If segregated education is inherently unequal and damaging to Blacks, such is damaging to whites as dominant and subdominant populations are complementary and interdependent.

Historically, one may understand the principle of mutual benefit by examining the development of public schools in the South. Thomas Jefferson believed that education was a way of preventing tyranny. He believed that an educated citizenry was more capable of attending to common needs. To prepare the people for self-governance and to prepare leaders for public service, he advocated a three-tier system of public schools: tax-supported primary schools in each ward that consist of several wards, and a publicly supported state university for the most promising students identified in the earlier schools. Jefferson assigned the state university the responsibility of preparing people for public-trust leadership roles (Jefferson 1813:114-118).

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Jefferson was unable to implement his idea. In Virginia, Jefferson's home state, less than one-half of the poor white children attended school, during his lifetime, reported DuBois (1969:638-639); and, of course, there were laws against educating Blacks during the age of slavery. With the exception of North Carolina, there were no tax-supported schools in the South prior to the Reconstruction period. The public school system in most southern states began after the Civil War and the election of Blacks to state legislatures (DuBois, 1969:648-649). All Americans, and particularly southern Americans, owe a debt of gratitude to the state Reconstruction governments (some of which were dominated by Blacks) for implementing a system of free public schools for children of all racial populations. Thus, whites as well as Blacks benefited from the work of the interracial state legislatures during Reconstruction, even as whites and Blacks have benefited from the Brown Decision of 1954.

During the age of segregation a decade and a half before Brown, only one-third of white adults over twenty-five years of age had graduated from high school. But a quarter of a century after Brown, two-thirds of white adults were high school graduates. During this same time span, the proportion of Black high school graduates increased from a minority to a majority of all Black adults over twenty-five years of age. There has been mutual benefit so far as year-in-school-completed is concerned. Both racial populations have experienced a rise in the proportion of their members educated and this has been accomplished while reducing disparity in educational achievement from a difference of 53 percent in median school year completed for Blacks and whites a decade and one-half before Brown to a difference today of less than 1 percent. It is fair to say that the Brown Decision helped both Blacks and whites and did not harm either group. However, it should be remembered that Brown came into being largely because of the litigation efforts of Blacks.

At the federal level, the legal attack on the separate-but-equal doctrine established as law in the 1896 Plessy Decision began in the 1938 case of Missouri ex rel Gains v. Canada. The court invalidated a plan of state payments to Blacks to seek elsewhere the professional education provided at taxpayers expense for whites within the state. A number of court cases were filed by the National Association for the Advancement of Colored People (NAACP) from this date on to eliminate inequality in financial provision for education of minority children in localities throughout the United States. The lawyers were building a record of the consequences of legally sanctioned segregation.

Following the development of a sound record, capped by the case of Sweatt in 1950, the NAACP believed it had demonstrated that segregated public education was inherently unequal. The court found that the new Texas law school that had been reserved for Blacks could not be equal to the well-established law school that whites had attended. The court mentioned the intangible qualities associated with a well-established law school that money could not buy in an institution. Thus, a segregated professional school for Blacks, although new, could not offer its students the full range of tangible and intangible benefits in the opinion of the court. The segregated school was declared to be unconstitutional, an invalid substitute.

In the Sweatt case, the Supreme Court came "within one step" of invalidating all racial segregation in education (Hastie, 1973:29). However, the court did not do this in Sweatt. It remained for Brown of 1954 to accomplish the full reversal of the separate-but-equal doctrine of Plessy.

The Brown Decision had to repudiate the separate-but-equal doctrine, given the evidence on which the court had ruled in the Sweatt and McLaurin cases. In the Brown Decision, the legal phase was won. William Hastie believed at that time that "the road ahead lay short and straight to the objective, an equalitarian

legal order" (Hastie, 1973:30). But such was not to be. Litigation was only Phase I of this social movement.

Elsewhere, I have presented in detail the second, third, and fourth phases of the Civil Rights Movement--demonstration, legislation, and implementation (Willie, 1983:229-246). They will be summarized here briefly.

The language of the Southern Manifesto and other public acts of local white leaders of various civil divisions indicated that they had no intention of abiding by Brown. Blacks had no alternative but to demonstrate for the full enforcement of Brown. By demonstrating in response to the bad faith efforts of whites to cooperate with the court by conforming to its requirements, Blacks were ceasing to cooperate in their own oppression. They had won the court case, according to accepted procedures of litigation. Their victory whites were attempting to ignore, deny, or negate.

Parenthetically, one may conjecture that legally sanctioned segregation would have ended before 1954 if whites had been required to abide by the Plessy Decision. If all separate facilities for Blacks had been equal to those of whites, the nation would have abandoned segregation as too expensive. The nation did not abide by the separate-but-equal requirements of the court in Plessy and was attempting to negate the desegregation requirements of Brown, until Blacks put a stop to this negative and unlawful behavior by whites. Through their own demonstrations which may be classified as negative adaptations of Blacks to the negative adaptations of whites, Blacks were effectively negating the negation.

The Civil Rights Movement proved that one negative adaptation tends to generate another. The escalation of negative activity will continue until one category of people makes a positive adaptation to the negative adaptation of the other. Since whites initiated the spiral of negative adaptations by refusing to

abide by the positive injunctions of the court, whites were obligated to make the positive move.

Recognizing that the unity of the country was at stake in the demonstration led by Martin Luther King, Jr. and others, President John Kennedy and then President Lyndon Johnson used all of their political ingenuity to get the Congress to enact the Civil Rights Act of 1964, which prescribed positive actions that civil authorities and civil divisions had to undertake to redress the grievances of oppressed groups.

The Civil Rights Act was signed by the President of the United States July 2, 1964 and became public law. This was the beginning of the third phase of the Civil Rights Movement--the legislation phase. More positive activities followed such as the Voting Rights Act of 1965 and the Fair Housing Act of 1968. The demonstration phase of the movement which extended over nine years was brought to an end by the legislative phase which was of four years duration.

The assassination of Martin Luther King, Jr. in 1968 was a negative act of grand proportion and closed out the legislative phase. Temporarily it plunged the nation back into several forms of negative adaptation by subdominant people of power to the assassination. This ultimate form of negation was assumed by many to be an action ordered or encouraged by some dominant people of power. At King's funeral, his spiritual mentor, Benjamin Elijah Mays, gave voice to the beliefs of many Blacks. Mays said, "We all pray that the assassin will be apprehended and brought to justice. But, make no mistake, the American people are in part responsible for Martin Luther King, Jr.'s death. The assassin heard enough condemnation of King and of Negroes to feel that he had public support" (Mays, 1969:14).

After the death of King, the nation had no options. It had to achieve community or disintegrate in chaos. There was imminent danger in an unchecked

spiral of negative adaptations as the demonstration phase of the Civil Rights Movement had indicated. Thus, the dominant people of power moved immediately to counteract the terrible assassination. They encouraged numerous positive acts through the government, business, education, and foundations for the purpose of implementing the promises of public law and overcoming past practices of racial discrimination.

Martin Luther King Jr.'s death initiated the earnest beginning of the process of implementation of the requirements of court orders and legislative statutes against racial discrimination. Their vigorous enforcement constituted the implementation phase--the fourth phase--of the Civil Rights Movement. There has been both progress and retroprogress since the Brown Decision. But the period of progress is only fifteen years old as we celebrate the thirtieth anniversary of this great event.

The dialectical method of analyzing history identifies a thesis that generates an antithesis that leads to a syntheses. The synthesis, however, is not the end of the matter. Always a synthesis becomes a new thesis that eventually generates a new antithesis that could lead to a new synthesis. Thus, the end is never an end but actually a new beginning. So the work of our society continues through the social processes of conflict, conciliation, and cooperation that may lead to further conflict, conciliation, and cooperation.

We have learned from this brief review and analysis of Brown and the Civil Rights Movement these things:

(a) The dominant people of power often lack the wisdom to know how and when to yield that which is not theirs to keep;

(b) Oppressed people seldom gain their freedom until they decide to cease cooperating in their own oppression;

(c) One negative adaptation tends to generate another negative adaptation until the group responsible for initiating the negative spiral of activity makes a positive statement.

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